
**Early Learning & Children's
Services Committee**

ESSB 5774

Brief Description: Revising background check processes.

Sponsors: Senate Committee on Human Services & Corrections (originally sponsored by Senators Hargrove, Kohl-Welles, Brandland and Shin; by request of Department of Social and Health Services).

Brief Summary of Engrossed Substitute Bill

- Requires the Department of Social and Health Services (DSHS) to conduct fingerprint background checks on all foster and adoptive parents and on kinship and kinship-like care givers.
- Directs the DSHS to confirm the citizenship status of individuals applying for licensure, employment, certification, or authorization.
- Authorizes the DSHS to conduct background checks as part of its investigations in response to allegations of child abuse and neglect.
- Directs the DSHS to convene a workgroup and make recommendations to the Legislature and the Governor regarding improving current processes for sharing of information and conducting background checks.

Hearing Date: 3/23/07

Staff: Sydney Forrester (786-7120).

Background:

In 2004, the Legislature created the Joint Task Force on Criminal Background Check Processes (Task Force) to review and make recommendations regarding improvements to the state's criminal background check processes. The Task Force was extended through December 2006. The

This analysis was prepared by non-partisan legislative staff for the use of legislative members in their deliberations. This analysis is not a part of the legislation nor does it constitute a statement of legislative intent.

Task Force reviewed multiple laws governing the background check processes used by the Department of Social and Health Services (DSHS).

Fourteen different state laws address the background check requirements for the DSHS employees and contracted service providers. Within these statutes are different program-specific rules, varying standards for denial of unsupervised access for vulnerable adults and children, and different recheck requirements.

In October 2006, the DSHS presented to the Task Force its proposal for the consolidation into one chapter of the various background check laws. This proposal also incorporated requirements for fingerprint-based background checks required by recently enacted federal law known as the Adam Walsh Act. After stakeholder input, the DSHS proposal was introduced as department-request legislation.

Summary of Bill:

The DSHS is directed to conduct fingerprint background checks for all persons seeking to be foster parents, adoptive parents, kinship and kinship-like caregivers, and other adults living in these homes, as required by the federal Adam Walsh Act.

The DSHS also is required to confirm the citizenship status of anyone who will have unsupervised access or provide services to juveniles, vulnerable adults, or children and who is:

- (1) applying for a license or certification from the DSHS;
- (2) seeking a contract with the DSHS or a service provider;
- (3) applying for employment, promotion, reallocation, or transfer;
- (4) being hired by a client or guardian of a client of the DSHS to provide services for which the DSHS may provide payment; or
- (5) applying to work in a department-covered position.

The DSHS is directed to convene a workgroup to research state and federal laws regarding background checks. The workgroup will include representatives of DSHS, the Department of Early Learning, the Office of the Superintendent of Public Instruction, the Department of Licensing, the Washington State Patrol, the Civil Rights Committee of the Washington State Bar Association, the Washington Association of Criminal Defense Attorneys, the Washington Association of Sheriffs and Police Chiefs, the Administrative Office of the Courts, and the Department of Information Services. The group must also include, as non-voting ex officio members, one representative from each of the two main caucuses in the House of Representatives and the Senate. The Secretary of the DSHS or the Secretary's designee will serve as chair of the workgroup and staff support will be provided by the DSHS.

By November 30, 2008, the work group must make recommendations to the Legislature and the Governor regarding improving processes for sharing confidential information, including an analysis of the feasibility of creating a clearinghouse of information. An interim report is required by November 1, 2007.

Appropriation: None.

Fiscal Note: Requested on March 22, 2007.

Effective Date: The bill takes effect 90 days after adjournment of session in which bill is passed.